FROM RACIAL LIBERALISM TO CORPORATE AUTHORITARIANISM: THE SHELL AFFAIR AND THE ASSAULT ON ACADEMIC FREEDOM IN SOUTH AFRICA

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Higher education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. (UNESCO 2000).

Paragraph 16 (1) d of the Bill of Rights which is enshrined in South Africa’s constitution of 1996 lists “academic freedom and freedom of scientific research” as amongst the fundamental rights which South African citizens should be able to enjoy. However, a series of disturbing developments within some of the most distinguished citadels of South African academia are now putting that freedom to the test. Whereas previously, under apartheid, the principal threat to academic freedom was external to the ‘liberal university’ in the form of government pressure upon individual institutions and individuals to conform to state ideology and rubrics, the new threat is primarily internal, with academics becoming increasingly subordinated to administrators, who in turn are becoming increasingly intolerant of robust internal dissent. We identify this as expressive of a shift away from ‘colonial liberalism’ towards corporate authoritarianism. To counter this threat there is need to comprehend it, and to explore why unless it is resisted it could have grave implications for South African society.

Academic Freedom in South Africa: From Autonomy to Accountability?

In a recent discussion, Andre du Toit has argued that:

the traditional liberal discourse on academic freedom can no longer suffice: it is misleading in that it directs attention to supposed external threats rather than to relevant developments closer home; it is outdated in so far as the concern with institutional autonomy does not take account of the changed circumstances brought about by the managerial revolution within the universities themselves; and it is incoherent when applied to current issues of internal accountability and academic authority within the university community. (Du Toit 2000:128).

Du Toit elaborates his argument around a critique of John Higgins’ account of the liberal ideal of academic freedom, which revolves around the academics’ “freedom from external interference in (a) who shall teach, (b) what we teach, (c) how we teach, and (d) whom we teach”. Whilst Higgins (2000) maintains that this formula remains as valid today as it was under apartheid, Du Toit demonstrates its enormous inadequacies. First, the stress on institutional autonomy which lies at the heart of the liberal ideal is unable to cope with the increasing demands and regulation imposed upon universities in the quest for ‘transformation’ and by the massive changes that the managerial revolution that has taken place in university governance over the last few decades. Second, whilst under apartheid the government attempted to dictate to universities what students they could teach, the present situation is that the formerly historical white universities (HWUs) have not required official prodding to open their halls of learning. In contrast, a rapid process of
Africanisation of HWUs’ student bodies has taken place, largely by a process of African students voting with their feet. To be sure, this represents what David Cooper (2000) has termed a skewed revolution, in that African students are massively clustered in the arts, humanities and social sciences rather than in the sciences, technology and commerce, yet the universities are adopting all sorts of academic development programmes and scholarships etc to encourage black students to go into strategic fields. In this context, constant invocation of this aspect of the liberal formula is “at best...simply outdated and uninformed....at worst (as indicating) an unacknowledged hidden and reactionary agenda...holding out...against the impact of post apartheid-social and political realities”(Du Toit 2000:95). However third, Du Toit argues that by far the most incoherent aspect of the liberal formula is upon its continuing emphasis upon the claim that academic freedom requires that universities should have the right to decide what shall be taught and how it should be taught. He proposes in contrast that some form of public accountability is by no means incompatible with academic freedom. Students, to put it crudely, deserve their money’s worth, as indicated by longstanding practices in universities whereby external examiners or professional bodies play important roles in setting curricula and monitoring standards. Nonetheless, major dilemmas are now being posed by increased pressures from government and business for institutions to supply students and research which will enhance the international competitiveness of the economy. In particular, the shift from discipline-based degrees to more vocationally oriented ‘programmes’, together with an outcomes-based approach to higher education, has led to official proposals for setting up a regulatory framework to ensure effective external accountability. However, Du Toit argues that this

poses a double threat to academic autonomy: in so far as it is introduced and mediated by the managerial revolution it brings about first the displacement of academic rule by a managerial executive within the university, and secondly a shift from structures of internal accountability and peer review to externally oriented procedures and criteria for quality assurance (Du Toit 2000:115-6).

In these circumstances, although the traditional liberal discourse around academic freedom does not address the dilemmas posed by contemporary changes in higher education, no clear alternative conceptualisation has yet emerged to take its place. However, Du Toit concludes:

The key issue for the current practice of academic freedom is how to define and strengthen internal accountability, bearing in mind the growing pressures for external accountability (p.129).

Our present purpose is to extend Du Toit’s analysis by arguing that the managerial revolution which is taking place in our universities increasingly requires that the managers must themselves be made accountable to academics as well as to society at large. This is necessary because, increasingly, the embrace of the idea of the university as a corporation is leading to the adoption of modes of governance which are steadily eroding the effectiveness of the traditional structures of academic rule.

We are going to pursue this argument by particular reference to the recent firing of Dr. Robert Shell by Rhodes University, which we believe is illustrative of university managements’ increasing propensity to resort to executive powers to secure the dismissal of academics who are perceived as ‘awkward’ and embarrassingly critical of university power holders.

Racial Liberalism and Academic Freedom

Du Toit may query the contemporary utility of the liberal formula of academic freedom, yet
there is no doubt that it constituted the major defence appropriated by those universities which deemed themselves to be opposed to illiberal intrusions by the apartheid government. At Rhodes, for instance, the statement read out at the conclusion of the annual academic freedom lecture, declares (inter alia):

It is our duty to uphold the principle that a university is a place where men and women, without regard to creed or colour, are welcome to join in the acquisition and advancement of knowledge.

That it is the duty of the university to guarantee the rights of participants in the opportunities and privileges made available by belonging to a university.

That the ideals of academic and human freedom are intimately bound up with each other, and that free universities cannot exist in an unfree society. (Rhodes University 2001:20).

At one level, such a statement is unexceptional, for even under apartheid the National Party government itself and every university, of whatever stripe or colour, claimed their commitment to the ideal of academic freedom. Yet, as is now common cause, apartheid policies represented the very antithesis of academic freedom. Most notably, the Extension of University Education Act 45 of 1959, which sought to proscribe black students from attending established (white) universities, led to the establishment of separate higher educational institutions for Africans, coloureds and Indians. These historically black universities (HBUs) were characterised by grossly inferior facilities and were often as not located in obscure locations where, it was thought, the political impact of their student bodies could be contained. Yet more to our particular point, the HBUs were characterised by managements which prostrated themselves before government policy, endorsed official ideology, collaborated with the security forces in the pursuit of order, dismissed or squeezed out liberal academics, regularly expelled student dissidents, and carefully controlled curricula in humanities and social science disciplines which might be potentially ‘dangerous’. The inevitable result was that the construction of an ethos of authoritarianism in which the liberal idea of academic freedom was effectively obliterated. Yet, in many ways, the model for the HBUs had been provided by the Afrikaans-speaking universities, where the academic and managerial culture had been constructed around support for apartheid, and which often provided the National Party with its intellectual justifications of segregation. As noted by Pierre Hugo, a few querying voices began to be heard in the 1980s when it was clear that white minority rule could not last for ever, but prior to that, Afrikaner academics effectively functioned either as vocal supporters of official policy, or they silently acquiesced. “A multifaceted syndrome of ‘tribal instincts’, conformist conditioning, societal reward, ideological conviction and a natural human tendency to avoid controversy help to account for this outcome” (Hugo 1998:51).

The outcome of the racial and ethnic fragmentation of the higher education system was that it left the four English-speaking universities (Cape Town, Natal, Rhodes and Witwatersrand) as the repositories of the liberal idea of academic freedom. This was scarcely surprising, for although in practice they played no less a role in the reproduction of South Africa’s ruling class than their Afrikaans-speaking counterparts, they also deemed themselves to be heirs to the traditions of British academic life, and many of their own staff were either British themselves, or had pursued higher degrees at British universities, where they had absorbed the liberal ideals of university autonomy and self-governance. These, in turn, provided a platform for a repudiation of apartheid which, we would suggest, was as much an ‘English minority’ rejection of the
domination of political life by Afrikanerdom as it was of the subjugation of subordinate black races to legalised racial discrimination. In this context, dedication to the idea of the ‘open university’ (i.e. one which remained open to black students in so far as the law allowed or could be circumvented) served at least two purposes. First, it provided an extremely sharp focus upon the practical meaning of academic freedom. And second, it served as a vital connecting rod to the larger global world of academia in the face of attempts by anti-apartheid activists outside the country to impose a boycott upon South African universities. Indeed, as the years rolled by, the international accreditation to which these universities (or academics within them) aspired rested precisely upon a capacity to demonstrate how they were ‘fighting apartheid’.1

Nonetheless, just as Hugo indicates that the majority of Afrikaner academics were fellow-travellers of apartheid, so (we suggest) would a detailed survey of the personnel who staffed the English-speaking universities reveal that, for the majority, their opposition to repression was largely symbolic. We recognise, of course, that this is a very broad generalisation. For a start, it rides roughshod over a host of existential ambiguities which their life-situations posed to that small minority of white academics (English-speaking and Afrikaner) who chose not to emigrate and who have a genuine claim to have posed serious challenges to apartheid. We certainly do not decry the bravery of those who risked intimidation, detention, even death or even just personal isolation in their pursuit of liberal or even liberationist ideals, either inside or outside the class room. Nor do we overlook the fact that, especially in the humanities and social sciences from the early 1970s on, there were an increasingly large number of academics who made a very significant contribution to eroding the intellectual confidence of the apartheid (and liberal!) establishment, and who in some cases, merged a highly critical teaching and research into some sort of praxis by working for or with a variety of progressive organisations (black trade unions, the End Conscription Campaign etc). Life clearly threw up a highly complicated set of questions to those whose deeply held religious or political commitments demanded that they challenge apartheid to which there was a variety of ethical and political answers. Yet, for all these important qualifications, the adherence of the English-speaking universities to academic freedom was mediated through a prism of what we term ‘racial liberalism’.

This is scarcely a novel idea. South African liberalism in general was widely assailed by Black Consciousness adherents and marxists alike from the late 1960s, and allegations that the HWUs are still alien territory to blacks are still commonplace some seven years after the transition to democracy. For instance, Professor William Makgoba of the University of the Witwatersrand is cited by Hugo as declaring that the ‘open universities’ should have declared their sins before the Truth and Reconciliation Commission:

A detailed and honest historical analysis of most English-speaking institutions would not only confirm the rampant racism and sexism still prevalent, but would often show how some of these institutions were even more advanced than the apartheid regime itself in seeking discriminatory practices (Hugo 1998: 32).

Makgoba’s cry of pain is, of course, expressive of the fairly widespread view amongst blacks that the English-speaking community has been hypocritical in criticising apartheid whilst enjoying its benefits, and that it is therefore often better to deal with Afrikaners, who if nothing else, do not walk around with foreign passports in their pockets. Yet it is also, at bottom, a straightforward sociological observation that although the open universities may have committed themselves to liberal values, their liberalism was filtrated through structures which were racially
based. To put it at its most simple, the open universities were overwhelmingly staffed, administratively and academically, by whites, the majority of whom had political views which were probably little different from those of the large body of white South Africans. Most would have deemed themselves committed to academic freedom; only a small minority, before the early 1990s, would have been committed to majority rule. Theirs was a liberalism which was qualified by their socialisation into, and location in, a situation of racial privilege. In short, theirs was a ‘racial liberalism’.

This ‘racial liberalism’ can be illustrated by reference to the history of Rhodes, the institution we know best.

*Rhodes - A Settler University?*: Rhodes was founded as a constituent college of the University of Good Hope in 1904 to provide for the higher educational needs of the white population of the Eastern Cape, the descendants of the ‘1820 settlers’ and those who followed them from Britain to South Africa. Its establishment was promoted by Dr. Leander Starr Jameson, who after serving his prison sentence for participation in the ill-starred raid that bears his name, returned from the UK to South Africa, became leader of the English party in the Cape Parliament, and from 1904 Prime Minister whilst serving as the Member for Grahamstown. Rhodes’ initial funding was drawn largely from the Rhodes Trust, which was duly impressed by “the very strong British influence” which Grahamstown might be expected to exercise upon its students, the aspiration of its founders to make it “the Oxford of the Eastern Province”, and not least, their desire to celebrate Cecil John Rhodes and his imperial vision by giving the new college his name (Currey 1970: 6-7). Subsequently, its rhetorical commitment to Empire had to be moderated after the establishment of Union in 1910, not least because government reform in 1915 required it to affiliate to the University of South Africa (UNISA). Nonetheless, its ethos was already developing as an outpost of the “civilisation of the West” (Ibid:46) and, like many a colonial college elsewhere, it sought to cope with the problems of expansion by borrowing what it could from ‘Oxbridge’ in the creation of a tutelage and residential system. Meanwhile, despite the Rhodes’ endowment, it faced constant financial troubles, which were only partially relieved by an increasing dependence upon government funding which, notably after the arrival of the first Nationalist government in 1924, brought along with it various political demands (notably greater insistence that higher educational institutions recognise an equality of language rights between English and Afrikaans) which aroused early concerns about the erosion of universities’ autonomy (Currey 1970:68-69).

Although Rhodes became increasingly ‘South African’, it simultaneously remained essentially ‘English’ in the composition of its staff and student bodies, not least because from 1922 onward, a particularly strong connection was struck up with Rhodesia, whose Department of Education made matching grants for Rhodesian students awarded a bursary by the college itself (Currey 1970:56). The Rhodesian settlers, of course, had opted for Responsible Self-Government over incorporation into South Africa, not least because they had been frightened by Afrikaner Nationalist successes in the Union’s general election of 1920 (Davenport 1977: 189). It is scarcely surprising, therefore, given the delicacy of financial relations with the government, that students were barred from taking part in party politics, presumably because they were deemed potentially divisive of ‘Brit’ from ‘Boer’. Although the readily available record does not speak explicitly to this issue, there is nonetheless evidence that the seeds of this tension, which were to surface more openly after 1948, were already there in the form of mutual suspicion between Rhodes and the first NP government, with the former feeling particular resentment that
it seemed a particular victim of financial cutbacks made by the latter in the depths of the
depression. Yet such troubles were buried by the easier times that followed South Africa’s
decision to go off the gold standard in 1933 (following which funding for universities increased
dramatically), and there can be little doubt that, in any case, Rhodes’ ethos sat much more
comfortably with that of government following the creation in 1934 of the United Party, which -
for the moment - marginalised Afrikaner nationalism in favour of a combined white South
Africanism and economic recovery. Indeed, the college Senate was more than happy to go along
with segregationist policies, rejecting its first black applicant in 1933 on the ground that ‘the time
was not yet ripe’ to admit ‘non-Europeans’ as students (Currey 1970: 76). In contrast, “Kaffir
women” were deemed wholly suitable to work in the university gardens (Currey 1970: 70).

By 1948, Rhodes was aspiring to full university status, but following an extensive
building programme, was again having to go cap in hand to government for financial relief. But
by now the revitalised NP was back in power, determined to trade off any assistance against
guarantee that Rhodes would hold the line against admission of black students. By this time,
however, Senate had moved forward to a position that it would not accept an Act of Parliament
which would establish Rhodes as a full university which contained any clause barring the
admission of ‘Non-Europeans’. In the event, a potential clash was avoided, for the government
utilised the opportunity to make Rhodes’ Senate responsible for the syllabuses and examinations
of the South African Native College at Fort Hare (some 70 kilometres away in Alice). A clause
was thereby inserted into the Rhodes University Act which, rather than banning any race group,
allowed the University to refuse admission to any student applicant “if it should be considered to
be in the interests of the University to do so”, and a compromise was struck whereby Rhodes
would only admit any qualified ‘Non-European’ student for whom no course was available at
Fort Hare. In essence, whilst this allowed the new university a muted claim to having stood up
for principle, the reality is that the new arrangement constituted a pragmatic acceptance of
segregation.

This paternalistic arrangement seems to have worked relatively smoothly, and would
seem to have developed recognition at Rhodes that the ideal of the liberal university required
that it should enjoy sufficient autonomy to admit whomsoever it chose. Yet if at this time
Rhodes began to creep towards a more elaborate articulation of academic freedom, it was largely
in response to two principal developments which set it at loggerheads with Afrikaner
Nationalism. The first was that, as early as 1957, the government announced, without previously
consulting Rhodes, that it intended to remove Fort Hare from its academic supervision. Rhodes
subsequently registered its dissent with the University College of Fort Hare Transfer Bill, and
when asked to contribute its views on the government’s intentions to provide separate
universities for the different race groups, recorded its opinion that “there should be no
interference with the freedom of any university to decide for itself who should teach, what
should be taught, to whom it should be taught, and how it is to be taught” (Currey 1970: 138).
And when the Extension of University Education Bill was passed in 1959, staff and students duly
marched down Grahamstown High Street in their academic finery in protest.

The second development was the fiasco of Rhodes’ launch of a campus in Port Elizabeth
(PE). This only came about in 1961, with government assistance, after considerable persuasion
by the PE council, which wanted Rhodes to establish training in practical subjects (Architecture,
Accounting, Quantity Surveying, Engineering, Commerce etc) which would aid that city’s
industrialisation. Yet within months of its foundation, the new Division was already being
undermined by local Nationalist politicians who were insinuating that Rhodes did not offer a suitable home to Afrikaans-speaking students, and that what the city needed was its own university. And that is what they got, for by 1963 the government had bought the idea and made it known that it was drafting legislation for a completely independent University of Port Elizabeth, causing Rhodes to withdraw precipitately from PE in a huff.

Rhodes was subsequently accused in parliament of being run by leftists and having sought to expand in PE to “liberalise that City” (Currey 1970: 153). Even allowing for Nationalist hyperbole, the claim was bizarre, for there can be no doubt but that Rhodes remained a deeply conservative institution. Senate might well by now be on the side of the angels, and prepared to accept ‘Non-European’ students, yet its transition would only seem to have reflected post-war thinking within the English speaking segments of the ruling bloc which, as represented by the United Party, advocated ‘multi-racialism’ under ‘white leadership’. Indeed, although Rhodes’ objection to the separate universities’ Bill has provided it with its almost founding myth of having been opposed to apartheid, a subsequent incident is telling. In 1962, the university awarded the first State President, ‘Blackie’ Swart, an honorary doctorate despite the fact that he had been a leading member of the government which just three years earlier had passed the Extension of University Education Act. To his credit, the then Chancellor of the University, Sir Basil Schonland, resigned in protest - yet gave the then Vice-Chancellor, Thomas Alty, the option of revealing his reason for doing so. Alty chose not to do so.

Alty’s silence was expressive of Rhodes’ ambivalence to the government. On the one hand, there was a backdrop of anti-Nationalist sentiment, which betrayed Rhodes’ essential conservativism and connection to Empire (illustrated by the Jingoistic reaction of staff and students who, on the evening that the Nationalists declared their Republic in 1961, waved Union Jacks, declared their loyalty to the Queen and offered loud renditions of (Ango-)patriotic anthems). There was also sufficient commitment to the ideals of autonomy for the University to employ critics of apartheid, making it the occasional butt of Nationalist attacks which saw Rhodes, alongside the other English-speaking universities, as harbouring “liberals” and communists (Currey 1970: 159). On the other hand, as a settler university, Rhodes’ principal purpose remained that of providing higher education for the white elite, most notably its English-speaking component of South Africa, and indeed, of Rhodesia - where in 1965, Ian Smith, a Rhodes’ graduate, made his notorious unilateral declaration of independence. Relations with government may at times therefore have been tense, yet there was need for obedience to the paymaster. This was indicated by the University’s reluctance to identify with the National Union of South African Students (NUSAS), which espoused a formal non-racialism. In 1965, Senate declined to be too closely associated with NUSAS’ academic freedom lecture; and then worse, in 1967 Rhodes not only barred its halls to black delegates to the NUSAS conference being held on its campus, but denied them the (legal) right to eat with Whites on campus (Rhodeo 28 July 1967; Senate/Staff Liaison Committee 1967) - a humiliation which was key in propelling Steve Biko (a delegate who was forced to stay in the township) towards his articulation of Black Consciousness.

The 1970s and 80s can be characterised as the era when Rhodes honed its reputation as a ‘liberal’ university. This myth-making was, at one level, facilitated by the prevailing liberal perspective which argued that the economic development of South Africa would eventually burst the ‘irrational’ racial constraints imposed by the government, for this provided precisely the comfortable ideology which allowed all who taught in ‘liberal’ universities to claim that their
activities were undermining, rather than sustaining, apartheid. Meanwhile, it was also doubtless greatly assisted by the isolation into which the university was driven by the academic boycott, which drove home to academic staff denied their appearances at international conferences the increasing costs of apartheid. Furthermore, even Rhodes was not immune from the state of more or less continuous crisis which characterised South Africa from the Soweto uprising (1976) onwards and which encouraged critical thinking within the white establishment. There was no particular cause celebre, yet dissenting Afrikaners, amongst them Andre Brink, swelled the staff in small, but increasing numbers; a few staff members stood for the Progressive Party (or its successors) in general or local elections; the dishing out of honorary degrees to prominent liberals (Edgar Brookes 1971, Alan Paton 1972, Sir Laurens van der Post 1978) became de rigueur, with occasional offerings made to the odd safe black (conservative trade unionist Lucy Mvubelo in 1981); there was a quiet admission of a handful of black students to residences; freedom of teaching was notionally free within the classroom (if in practice subject to various constraints); radical student activists (always a small minority) engaged politically; and not least, a small number of staff in the humanities and the social sciences attracted the unwelcome attentions of the security police, some of them suffering detention. Hence despite the fact that the political conservatism of the bulk of staff had been considerably strengthened from the late 1970s by an inflow of white Rhodesians who were fleeing majority rule, Rhodes’ self-perception by the early 1990s was that it had worked quietly but effectively to undermine apartheid. Even so, it found management of some aspects of the transition distinctly difficult. For instance, ex-Robben Islander Govan Mbeki, one of the Eastern Cape’s grand old men of the ANC, was awarded an honorary degree in 1994, but only after the university was embarrassed by the fact that he had been rejected in 1992 had leaked out to the press.

By the early 1990s, Rhodes was facing the world with a statement of Values and Objectives which asserted that it rejected discrimination on the grounds of race, gender, belief or nationality in the constitution of its student body and the selection or promotion of staff. (Rhodes 1992: 19). Yet statistics spoke otherwise. In 1992, its Council was composed of 27 members, all of whom were male and with one single exception, all white; its 28 member Board of Governors was exclusively white and male; and its Senate of 83 included just two blacks and four females. To be sure, the ravages of Bantu education were such that the number of South African black staff who were qualified to take up academic appointments was dismally small. Even so, Rhodes had the lowest percentage (4%) amongst the four ‘liberal’ universities of academic staff who were black. Meanwhile, the university was also highly patriarchal: around 80% of its staff was male, and there was only one full female professor. It was scarcely surprising that such figures were to earn Rhodes its reputation in American donor circles as “the most conservative of the ‘open’ anglophone universities” (Southall and Daniel 1992).

The Managerial Revolution and the Shift to Corporate Authoritarianism
The democratic transition has forced upon South Africa’s formerly ‘white’ universities numerous dilemmas concerning their need to become ‘demographically representative’, so that - despite an accompanying debate about the need to ‘maintain standards’ - it has become common for preference in appointments to academic positions to be given to ‘persons from disadvantaged backgrounds’ and for admissions procedures in the ‘liberal’ universities to deliberately ‘advantage’ black students. As noted above, this process of ‘transformation’ has been eagerly embraced by the former HWUs, whose political legitimacy is enhanced to the extent to which they are able to now able to provide for the educational requirements of the emergent black
middle class, which in so far as it has the capacity is now fleeing from the poorly resourced HBUs to attend the more privileged sectors of the university system. However, if the ‘liberal’ universities are now embarked (to a lesser or greater extent) upon the project of becoming ‘non-racial’, their ‘transformation’ is simultaneously being characterised by the ‘managerial revolution’.

The governance system which defined the ‘liberal’ universities was based upon the ideal of collegiality whereby academics governed their own affairs. According to the myth which accompanied this model, equality co-existed with hierarchy in the sense that the currency of ideas was supposedly weighed in terms of their rationality rather than the rank of those who had spoken them. In practice, of course, this ideal was expressed through the instruments of Senate, faculties and departments which were themselves constructed around a very definite (and patriarchal) hierarchy, with Senate the locus of the professoriate and with departments ruled by permanent, professorial heads. Nonetheless, despite the hierarchy, faculty boards most nearly approximated the ideal, as these made provision for representation of all members of relevant departments and, where consensus did not prevail, for majority voting. Deans, who were elected, were therefore notionally dependent upon their electorate and were expected to represent the views of their faculties on Senate. The latter, in turn, was chaired by a Vice-Chancellor or Principal who - although responsible to Council (the body which ‘governed’ the universities’ non-academic affairs and which in a legal sense was the employer) - was above all, in essence, a fellow academic rather than a professional administrator. Indeed, key to this model was the notion that administrators were more lowly beings than academics, whose needs and requirements they were there to serve.

Such ‘liberal governance’, if we can call it that, was inevitably untidy, uneven and highly imperfect. Indeed, such a relatively ramshackle system - in which departments and individual academics enjoyed a high level of administrative as well as intellectual autonomy - could only work upon a basis of mutual trust, shared values and professional ethics. In this context, resort to disciplinary sanctions to compel staff to undertake a particular course of action was rare, and indicated that the system had broken down. Furthermore, because this model was characterised by the relative autonomy of its parts, and because it combined opposites of equality and hierarchy, it allowed for relatively high levels of debate and conflict, and tolerated relatively high levels of administrative inefficiency. It was therefore most suited to the rather small numbers of students who attended elite universities and presumed a relatively generous level of financial provision.

The material and moral conditions which underpinned this model of university governance in South Africa far outlasted those which existed in Western Europe and North America, where the ‘massification’ of higher education gained pace from the 1960s and hastened the adoption of new managerial systems and techniques. Restriction of entry to defined race groups, and the stunting of opportunities for Africans through Bantu education, meant that numbers attending university remained relatively small, at least until the 1980s. This enabled the state to provide generous subsidies, academics were relatively well paid, and universities retained their self-confidence. Meanwhile, the domination of academia by whites ensured that, despite differences over apartheid, there was broad consensus about acceptable modes of expression and behaviour. However, if the stirrings of the ‘managerial revolution’ are to be found in the need of the universities to deal with an increasing number of students from the 1980s, it was only to develop at pace from the 1990s, when - in the ‘liberal universities’ at least - there was need for a new creed to replace the ‘opposition to apartheid’, which by necessity they
Du Toit cites Bundy (2000:9) as observing from wider global experience that “collegial self-management by academics - to whatever extent it ever existed - is an historic form and not a current option”. To the extent that larger (and increasingly heterogeneous) universities required expanding corps of administrators to manage their affairs, and to implement more sophisticated academic planning, financial, student residence, and personnel systems and so on, this was also clearly so in South Africa from at least the mid-1980s onwards. As Du Toit goes on to observe, this has significant implications for the idea of university autonomy, especially in a context after 1994 when the new government has laid much greater emphasis upon the national coordination and equalisation of universities whilst simultaneously subjecting them to budget cutbacks and more rigorous financial discipline. In particular, it indicates an erosion of the authority of academics in favour of senior university administrators, and suggests that the stress on the institutional autonomy of the university “must by now presumably refer not so much to the realm for decision-making by academics, but must in the first instance apply to the practices and policies of the new class of professionalised university managers” (Du Toit 2000:89). However, whilst Du Toit clearly identifies the shift in power from academics to administrators, he fails to explore the authoritarianism that has accompanied it.

It is increasingly a commonplace that, with the rise of the managerial revolution, the modern university has become more like an industrial corporation: in the words of Rhodes’ former Vice-Principal, Dr. Michael Smout, universities may not be businesses, “but they need to become more business-like”. As portrayed by Bill Readings, this corporatisation of the university is not a neutral process, for in practice it is the accompaniment of globalization, “the generalized imposition of the rule of the cash-nexus in place of the notion of national identity as determinant of all aspects of investment in social life” (Readings 1996:3). The university, is becoming a different kind of institution, one that is no longer “linked to the destiny of the nation-state by virtue of its role as producer, protector, and inculcator of an idea of national culture” (Ibid). It is becoming an institution in which the administrator rather than the professor is the central figure, and whose principal task becomes phrased in terms of a generalised logic of accountability in which the University must pursue ‘excellence’ in all aspects of its functioning. Yet the idea of ‘excellence’ is itself like the cash-nexus in that it has no content, and is subject to a wholly arbitrary set of meanings: the attainment of ‘excellence’ can become the goal as much of university car parking authorities as it can of academic departments. Nonetheless, ‘excellence’ lends itself, in particular, to the associated set of ideas around ‘quality measurement’ and measurement, and can lead to rankings of universities according to wealth, library facilities, graduation rates, publications and so on - which, ironically, of course leads to an emphasis upon quantity rather than quality, the very obverse of the logic which ‘excellence’ seeks to pursue! Even so, for all its vacuousness, “excellence” is something that can be ‘marketed’ to ‘consumers’, whether the latter be students, governments, ‘sponsors’ or ‘donors’. University ‘crests’, symbols of the nineteenth century medievalism previously cultivated by academic self-government, become replaced by ‘logos’.

If the corporatisation of the South African university has borrowed heavily from Western (especially United Kingdom) universities’ experience, it has also been closely associated with the neo-liberal strategies adopted since 1996 onwards by the ANC-led government which have adopted as their particular goal, the adjustment of the South African economy to the global economy. This has seen prioritisation of ‘utilitarian’ subjects (Information Systems, Computer
Sciences, Commerce, Accounting and so on) over the humanities and natural sciences. Meanwhile, this has been accompanied by the effects of the technological revolution which has simultaneously propelled the reduction of heads of departments or ‘programme coordinators’ to ‘middle managers’, shifted increasing low-level administrative responsibilities upon academic staff, facilitated the implementation of more complex financial and reporting structures, and so on - all of which erode the semi-autonomy of academics, and render them increasingly subject to central university control (Webster and Mosoetsa, 2001). Yet what Readings refers to as this proletarianisation of academics is in the South African instance amplified by the particular consequences of the adjustment to globalisation and the slump of the Rand. Not only have academic salaries failed to keep up with those in the civil service and public sector, but academics are also increasingly expected to supplement their salaries by selling themselves on the marketplace, which now becomes the arbitrator of utility.13 Inevitably, this is resulting in the devaluing of the Humanities and the values - such as democracy, fairness and justice - which traditionally they have elevated. And most particularly, these developments favour authority over debate. In short, the South African university is becoming ever less a conversation amongst the academic community (Readings 1996: 5), ever more a terrain dominated by senior administrators for whom academics are increasingly ‘human resources’ to be redeployed, rationalised and retrenched according to how the university is ‘meeting the challenge of the marketplace’.

Necessarily, especially in post-apartheid conditions, corporate authoritarianism retains the language of liberalism in the manner in which it deploys its power. Again, it is convenient for us to instance two particular developments at Rhodes in illustration.

Resistance to Academic Unionisation: In contrast to experience in Britain, Canada, Australia and indeed much of post-independence Commonwealth Africa, where the principal representative organs of academics, at both university and government level, are national unions, South African academics have remained divided along historical lines. Prior to 1994, there was an attempt to form a national body, the Union of Democratic University Staff Associations (UDUSA) which spanned staff across all the different universities. This transformed itself into the National Tertiary Education Sector Union (NTESU) in 1996 in the wake of the passage of the Labour Relations Act of 1995 and expectations that a national system of collective bargaining would be introduced in higher education. In the event, these latter hopes were unfulfilled, and NTESU’s constituent organisations were thrown back on their own resources. The present situation is that whilst many staff at Afrikaans-speaking or ‘dual medium’ universities are represented by the South African Parastatal and Tertiary Education Union (SAPTU), staff in the HBUs and ‘liberal’ universities are diversely represented by institution-specific staff associations or NTESU.

The constituent body of UDUSA at Rhodes had been the Rhodes University Staff Association (RUSA), which was dominated by academics. RUSA responded to the Labour Relations Act (which obliged employers to grant (differential) rights of representation to ‘sufficiently representative’ and majority unions) by transforming itself into a local chapter of NTESU. However, although the intention of the Act was to promote consensual labour relations, the Rhodes’ administration from the start adopted a hostile stance to NTESU and determined to block its advance. First, the University refused to accept the transfer of RUSA’s 700-odd membership to NTESU (despite the fact that the change had been accomplished fully constitutionally) and insisted that staff members’ rights as individuals required that the new body sign up every member anew. In this the administration knew exactly what it was doing, for the
An overwhelming body of staff to which the new union had to appeal were white, conservative, dubious about the impact of political changes at the national level, and who associated trade unionism with dangerously threatening images of black workers toyi-toyi-ing in protest marches, whilst many academics (regardless of international example) deemed themselves as ‘professionals’ for whom unionisation was inappropriate. The result was that the whilst NTESU fairly swiftly attained a membership of around 300, it has hitherto failed to go much beyond that. At one level, this points to the union’s own weaknesses, for despite a relatively high level of commitment by its successive Executives, sustained effort in recruitment and activity has proved difficult. Yet at another level, it reflects the obstacles to its expansion erected by the Administration, which whilst deliberately going slow on negotiations around the signing of a recognition agreement (which took over four years), quietly depicted NTESU as unwelcome. Whilst recognition as NTESU as a minority union has now brought with it representation upon an array of committees, there remains a reluctance to engage with it over ‘harder issues’ (transparency around salaries and conditions, notably of senior Administrators, salary increases, pensions and the disciplinary code) as opposed to ‘softer’ issues, such as the Equity and AIDS policies.14

The Shift to ‘Non-racial Racialism’:
Rhodes’ shift to managerialism has inevitably been marked by its heritage of ‘racial liberalism’. Most certainly, the University’s demographic profile has changed significantly since the early 1990s as relatively determined efforts have been made to blacken the face which Rhodes presents to the world. Nonetheless, for the moment the weight of history remains against Rhodes, which despite aspirations to sell itself as an ‘African university’15, remains almost wholly controlled by a white hierarchy. At one level, this records a move to full-time Executive Deans, who are elected (for repeatable three year terms) from senior members of Faculties, who are overwhelmingly white (and male), and who now dominate the most powerful committees. Yet at another, much more subtle level, it reflects the long history of what more than commentator has depicted as ‘cronyism’ at Rhodes, the centralisation of power around the Vice-Chancellor and his formal and informal ability to influence appointments to committees and high office (Allan, 1995). Such ‘cronyism’, to be sure, is by no means unique to Rhodes, and indeed, historically, it was probably an inevitable accompaniment of collegial self-government, especially in small institutions. Nonetheless, in the conditions of contemporary South Africa, retention of power by any white elites needs to be obscured. In the case of Rhodes, such obfuscation takes the form of ‘non-racial racialism’. This has two dimensions.

First, as noted, whilst the University has made some effort at presenting a more ‘representative’ face to the world, power very much remains in the ‘old boys network’ to which Allan has previously made reference. At all significant levels, South Africa’s demographic majorities are outnumbered by whites. At present, there are only nine black and two female members of Council; 16 of the total of 31 members are Rhodes graduates; and 3 of the 4 co-opted members are white. So it goes elsewhere: 18 out of the 24 members of the Board of the East London Campus are white, and fully 89 out of the 99 members of Senate (which is dominated by the conservative professoriate) are also white.16 Whilst Rhodes can most certainly point to a lack of qualified black candidates for a large number of these positions, it is less able to deal with the charge that it has confronted the issue of representation with a lack of energy and imagination.

If the first dimension of ‘non-racial racialism’ deserves more detailed teasing out, the second is more overt, and refers to the way in which the University exercises its discipline over
its workforce. This retains a hidden racial dimension which, in particular, disadvantages its African manual workforce. This was illustrated, most graphically, by the recent ‘jam-stealing’ incident in which a female worker in the catering division was summarily dismissed for the theft of 30 kg (or 250 kg, depending on who you talk to) of jam. What emerged from the controversy around this incident was that Rhodes has instituted a surveillance system whereby manual workers are encouraged to inform upon their fellows, with the promise that they will receive a reward of R500 if their information leads to a successful prosecution and dismissal. Claiming that NEHAWU has agreed to this (a fact with which NEHAWU publicly disagrees), Rhodes claims that this harsh system has proved necessary for cutting down on a very high level of theft of supplies. However, whilst the objective of minimising theft and any form of corruption is admirable, the strategy presently pursued by the University has unavoidable racial overtones - for not only does it minimise black manual workers’ rights under the Labour Relations Act of 1995, but it privileges more highly paid academic and administrative staff, the majority of whom are white, and many of whom are enabled to utilise university resources (pens, paper and even computers etc) for private purposes. In short, broadly colonial employment relations - in a town which often advertises itself as ‘the settler city - are being reproduced under the guise of non-racialism.

Academic and administrative staff are not, as yet, subject to a formal surveillance system, yet the organisational restructuring of Rhodes has been accompanied by an increasingly authoritarian mode of operation. Corporate-style rationalisation of divisions within the administration, often carried out with what staff deem to be minimal consultation, has led to widespread loss of morale, distrust of senior managers and common resort to disciplinary action to deal with relatively minor employment issues. Stress levels amongst middle and junior administrative level staff appear to have increased markedly, not least because Rhodes is by far the largest single employer in a small town in which reasonably paying white-collar jobs are at a premium, and many white employees, in particular, feel scared of confronting a job market in which they perceive advantage being given to blacks. Yet by far the most telling indicator of the new authoritarianism is an extensive sense of fear amongst large numbers of staff, academic and administrative, that criticism of the institution or senior power-holders will be met with reprisal. However, we suspect that the use of intimidation and disciplinary action to blunt comment, critique and complaint is an accompainment of corporatisation more generally.

The Disciplinary Smothering of Dissent

Earlier reference was made to the differential traditions amongst South African universities which rendered the four English-speaking universities - for all that they functioned to serve the educational needs of the white ruling bloc - the major repositories of the liberal ideal of academic freedom. Most certainly, whilst the creation of the racially separate universities for blacks under apartheid had unintended, dialectical and radicalising effects upon their student bodies (Adam 1971), it would seem that the post-1994 crises with which the HBUs have had to grapple - notably financial cutbacks, corruption, mismanagement and widespread retrenchments - have tended to endorse rather than to challenge their heritage of authoritarianism, even if they are now controlled by senior administrators appointed by the new government. Meanwhile, Afrikaans-speaking universities appear to have embraced the new techniques of corporate organisation and marketing with alacrity, without fundamentally changing their ethos. It is therefore the English-speaking universities at which protest against corporate management has been most overt, and in which the two most serious attempts to smother dissent has taken place. The first occurred at the University of Natal in 2000, when a distinguished if feisty Professor of Anthropology, Caroline
White, was dismissed after a dispute which had its origins in an academic restructuring exercise led to her being convicted under disciplinary charges arising out of a tortuous conflict with her Dean. For the University of Natal, this was deemed a necessary action against an employee who had been insubordinate and wilfully difficult. For White and many observers, it was an assault on her academic freedom (Guy 2000). The second instance has taken place at Rhodes, where in its dismissal of Dr. Robert Shell the University administration similarly insists that it has taken wholly justifiable action against a reckless and impossible employee.

**Rhodes University v. Dr. Robert Shell**

The origins of the dispute between Rhodes University and Robert Shell, Senior Lecturer in History and Director of the National Research Foundation funded Population Research Unit (PRU), who had arrived at Rhodes from Princeton in 1996, lies in a round of retrenchments which reflected a structural dislocation between the senior administration, based in Grahamstown, and the small campus based in East London.

Rhodes University extended its operations to East London (a somewhat more ‘English’ city and hence politically more comfortable than Port Elizabeth) in 1981 in order to serve the needs of articulated accounting clerks studying to be chartered accountants. Development occurred slowly but by the late 1990s, some 50 academic staff were servicing some 1000 students, the majority of whom were studying Bachelors degrees in Commerce, Social Work and Primary Education, or diplomas in Education (non-graduate) or Manufacturing Management. Meanwhile, a limited range of courses introduced since 1990 provided for study towards bachelors degrees in Arts, (notably History, Geography and English). However, for all that it boasted a smattering of the Humanities, Rhodes University East London (RUEL) was never able to wholly resolve an identity crisis: Was it more a technikon than a university? Should it aspire to rivalling the Grahamstown campus, or was it destined to always remain an under-resourced satellite? Should it become an autonomous university college, or would it always be ruled from headquarters? Nor did university structures provide much clue that the senior administration had any long term answers. RUEL was run in its day-to-day activities by a Director, rather than by a Vice-Principal possessing significant autonomy, and academic departments were integrated into Faculties which were run from Grahamstown. Not surprisingly, RUEL was regarded as Grahamstown’s poor relation, and staff tended to be demoralised, demotivated and, in many cases, mediocre.

It was in this context that the arrival of Dr. David Woods as Rhodes’ new Vice-Chancellor in 1995 created a wave of enthusiasm, especially as senior management soon arrived on campus to declare that RUEL could well be the wave of the future. However, by 1997, during which the university carried out its first academic review process, there was greater caution, notably because RUEL was experiencing a ‘budget problem’ which could only be resolved if certain courses, most of them in the Humanities, were discontinued. However, senior management offered a compromise: RUEL Humanities staff should be given two years to devise new and innovative options to attract more students without fear of being retrenched, and the situation would be reviewed again after two years. If a more favourable financial position had not been achieved by the end of 1999, then retrenchments and even closure of several departments might result.

RUEL Humanities staff responded with a variety of proposals, for launching a new LLB, and courses in tourism, print journalism, and gender studies and so on. Some, like Robert Shell, took opportunities to secure external funding. Still others sought to protect their own positions.
within the endangered departments, as personal survival became the watch-word. Yet within a single year, senior management transformed the already insecure atmosphere into one of crisis when, in panic about a worsening of the deficit, it decided to reverse its decision on the two-year moratorium which it had granted the RUEL Humanities. As Professors Midgley and Bernard were to record in their report into the allegations subsequently made by Dr. Shell, this development caused “acute distrust” and a “sense of betrayal felt by senior staff members on the campus”, not least because “University management did not accept responsibility for the retrenchment decisions” that followed, claiming that they were only following recommendations made by East London senior figures themselves (Midgley 1999:89). Nor did it help that the retrenchment exercise that followed was a peculiarly bitter and divisive one. Furthermore, it raised serious questions about Rhodes’ commitment to transformation when, at the end of the day, three out of the five staff members (in English, Geography, History and African Languages) who lost their jobs at the end of academic year 1998 were black, not least because one of these (Dr. Cornelius Thomas) was one of only four black South African academics on Rhodes’ payroll with a PhD (and he was RUEL’s ‘Transformation Officer’ into the bargain!)20

It was amidst this turmoil and widespread anger concerning the retrenchment exercise that RUEL’S Board of Studies appointed a sub-committee to look into ways of improving the lot of the Humanities. Subsequently, because of yet further discontent with that subcommittee’s direction, it was resolved in August 1998 to appoint a different sub-committee, composed of Shell, Thomas and Mr. Robert Stuart, to deal with the larger issue of governance, viz. the structure and functions of the Board of Studies. The sub-committee reported back verbally to the Board of Studies in February 1999, following which the University claims the mandate of the authors expired.21 However, a more controversial, written version of the report was informally circulating, and was faxed by Shell to the Vice-Principal in July.

The Shell Report: The central thrust of the Shell Report’s critique was that: there was clear evidence of “both nepotism and cronyism” at the RUEL campus, notably during the three and half years of the incumbent Director’s administration; there was “curriculum chicanery” where certain subjects were targeted for axing whilst others (Psychology, Education and Social Work) were unduly favoured; and ‘empire-building’ with the connivance of the Director was “rife”. Interspersed with these allegations were further charges that effective governance of the campus was in the control of a handful of people around the Director, whose Advisory Committee was unelected; that retrenchments were most likely to disfavour people who had no relatives working at RUEL, or who were single or had minority status;22 that the campus’ main appeal was to white, middle class East Londoners “who want(ed) a degree which has a good chance of providing a moveable feast overseas” rather than to African students, whose background suited them best for “suitable humanities subjects or indeed, any special or appropriate access curricula”; that African students were “expensive cannon fodder for the Rhodes coffers” and were “politically correct window dressing for a wholly false image of transformation” (which was a “gargantuan fake”); that African students were severely disadvantaged by a “woefully under-resourced” library; and finally, that the “satellite campus” was ruled from another place (“like colonialism”), and could not embed itself into East London because of competitive constraints from the Grahamstown campus and because of the incestuous nature of its administration (Shell and Others 2000).

Although many of these allegations were supported and documented in an independent report by NTESU (East London) which was submitted to the Midgley Commission (NTESU
1998), Shell’s allegations won him few friends in East London, not least because by this time he had already engaged in a series of personal battles that alienated the local administration and various other staff members. He was widely regarded as a maverick, he was flamboyant, he revelled in publicity and perhaps worse, in a campus not distinguished by its research, he was widely published internationally in history and had now begun to develop a national profile, albeit a controversial one, for his work - through the PRU - on AIDS. Shell, in other words, was an Ivy League accident waiting to happen in a South African backwater. Not surprisingly, Vice-Chancellor David Woods appointed an ad hoc committee, composed of Professor Rob Midgley (from the Department of Law) and Professor Richard Bernard (from Zoology) to investigate his combustible allegations.

The Midgley Report: In crude summary, the Midgely report claimed that the Shell Report had no official status (in that the mandate of the committee had expired in February 1999); that Shell had “over-stepped the mark” in his interpretation of the mandate of the subcommittee and had breached confidentiality for canvassing support for the resultant document prior to its submission; that although there “had indeed been reason to suspect nepotism”, there was no actual evidence for sustaining the charges about particular individuals that were made (although the Director was censured for having allowed the brother-in-law of one appointee to remain on one selection committee); that the language and tone of the report was “extreme and confrontational” and made claims that, if untrue, were “defamatory of certain individuals”; that although there was no formal documentation that the Director’s Advisory Committee (DAC) had been elected, an election did seem to have taken place in November or December 1996 (although there had been no clear provisions concerning the DAC’s tenure and mandate, and it had been allowed by the University to become “more than an advisory committee”); that although various questions around allegations of ‘curriculum chicanery’ “remain(ed) unresolved”, there was a “rational explanation” for the increase in Primary Education students doing Social Work and not History (which had suddenly lost its major source of recruitment); that allegations of empire building could be explained away in terms of decisions made by the University’s Academic Planning and Staffing Committee; that the University had already put in place measures to ensure that appropriate courses were made available for African students; and although there was evidence that “decision makers in East London tend to suppress and exclude members of staff who challenged or criticised the management of the campus” and should do more to include representatives of minorities on campus committees, the Director had “done much” to “broaden the decision-making on campus”. The Midgley Report also proceeded to raise concerns about Shell’s alleged lack of qualification, as Head of the PRU, to undertake demographic research and complained that he was failing to produce “subsidy-generating” peer reviewed research. Finally, it concluded that Shell had been motivated by malice, and that his document had opened the University to civil litigation. Amongst other recommendations (such as that the East London campus should be better marketed) it suggested that Shell be subject to a disciplinary enquiry which should be conducted by a neutral person (acceptable to both Rhodes and Shell) from outside the University. (Midgley and Bernard 2000, passim).

The Aftermath: In a flurry of publicity which attended the submission of the report (aspects of which had found their way into the press), the Vice-Chancellor made moves to appoint a disciplinary enquiry. However, following what Shell regarded as clear indications that he might be subject to dismissal, his then lawyer negotiated a deal with the VC whereby Shell issued letters in which he accepted that the Midgley report had drawn attention to “numerous factual inaccuracies” in the Shell report and in which he apologised for making “inappropriate
inferences” and “unjustified accusations” against particular individuals. (The letters were not actually signed until mid-November) He also received a letter (dated 18 October 1999) from the VC in which he was warned that if he was found guilty of a similar offence by a properly constituted disciplinary body within the next twelve months he might be liable to dismissal (Woods to Shell, 18 October 1999).

As far as Shell was concerned, this agreement was intended to ‘wipe the slate’ clean and to constitute a new beginning in his relationship with the University. However, almost immediately these relations again became enormously embittered. Whilst these various shennanigans had been going on (and his car had been vandalised)23, Shell had applied for the vacant chair in History at the University of Stellenbosch, which he was subsequently offered on 29 October. That evening he was phoned by a reporter from Die Burger, which reported his appointment the next day. The father of a RUEL staff member, who was also a member of the Stellenbosch Council, phoned his son with the news, prompting a scramble by the Director to obtain a copy of the newspaper. When a faxed copy of the item was eventually obtained from Die Burger, the RUEL Director informed Vice-Principal Smout in Grahamstown that Shell had received an offer from Stellenbosch. By this time, Shell had travelled down to Stellenbosch to negotiate terms and meet his future department, only for him to be shepherded in to meet the Rector, who had in his hand faxed copies of newscuttings relating to the Shell affair in East London, and who informed him that the job offer was now withdrawn. Shell’s reaction was to blame Rhodes for sabotaging his application out of spite.24 (It later emerged that the Stellenbosch VC had been in direct contact with Rhodes Vice-Principal Dr. Smout, who subsequently claimed that he had only provided a balanced assessment of Shell’s strengths and weaknesses over the phone). Other incidents (a wrongful allegation by the RUEL authorities that he had failed to deliver a lecture, his being summoned to the Vice-Chancellor’s office for a grilling about his research, and a squabble about the cost of the car hired by the VC’s secretary for Shell to attend that meeting, his belief that financial disbursements were being held up) all worked to convince Shell that he was a marked man. It was therefore a relief when he was granted special permission by Rhodes to go on an early sabbatical to Princeton, where from October 2000 (having previously spent a period attending international conferences) he began advanced upgrading courses in Demography.25

Battle Renewed - Discipline and Dismissal: Whilst Shell was away, the PRU was left in the hands of an Acting Director. However, Shell’s anxiety for his creation meant that he remained in contact with the PRU by email, through which he was to be informed that, although the Unit had ample funds, requests for which it had made payment had been refused. When he learnt, in mid-October that his reporting officer, Dr. Gerhard Von Grunewald, at the National Research Foundation (NRF), which funded the PRU, was visiting Rhodes to meet the Dean of Research, he thought he smelt a rat. He therefore emailed Grunewald (and one of his senior colleagues), prior to the meeting, making private complaints about Rhodes’ treatment of his Unit, and asking him to intervene on his behalf. In particular, he accused Rhodes of failing to fulfil its contractual obligations with the NRF, notably by not providing it with adequate office space, and now by turning down requests being made by for payment. He then went on to argue that “this was now payback time” for Rhodes because of his previous criticisms of RUEL management and his having presented “compelling evidence of high level nepotism”. And for good measure, he threw in the allegation that Dr. Smout, the Vice Principal, had been “forced into an early retirement” as a result of Shell’s complaints about his having “faxed expurgated details” of the Shell Report to both Stellenbosch and the NRF. (Shell to Von Grunewald, 9 October 2000).
The NRF’s position was awkward, as it did not wish to become caught up in a conflict between the PRU, with whose work it was satisfied, and Rhodes. Fatally, therefore, it ‘bounced’ Shell’s unedited email on to the Dean of Research at Rhodes seeking comment, with the intent of seeking a resolution of the dispute. However, the Rhodes administration passed up any opportunity for mediation by instead filing charges against Shell, and instructed him to return from the US to appear before a Disciplinary hearing on 4 December. His email was alleged to have made him guilty of serious misconduct and having damaged the good name of the University; and specifically he was charged with having: breached his agreement to retract the allegations made in the Shell Report; breached his obligation to act in good faith to his employer; gravely impaired the continuation of the employment relationship between himself, the University and certain of his colleagues; and having acted irresponsibly and in reckless disregard for the truth (Smith to Shell, 8 November 2000).

Given the deep distrust which existed between Shell and the senior hierarchy, it was scarcely possible that the events that followed could have gone smoothly. Indeed, if as seems likely, the intent of the University was to bring about Shell’s dismissal in a neat surgical operation at the close of the academic year (when most academic staff had departed for leave), then they had totally underestimated their man. Nor were the structures of University disciplinary procedures likely to impress a man who deemed himself a radical reformer of their inclination to fairness and equity, not least because: first, the Vice-Chancellor had appointed Professor I. D. Schaefer, Emeritus Professor of Law, to head the disciplinary inquiry, thereby ignoring the Midgley Report’s recommendation that an external Chair, agreeable to both parties, be appointed; and second, whilst the procedures allowed for Shell to be represented by legal counsel, he was required to bear the cost himself (whilst for its part, the University drew on its ample resources to hire a leading advocate). It was not surprising, therefore, that when the first session of the disciplinary hearing convened, Shell unsuccessfully requested Schaefer to recuse himself, on the grounds that his close links to the University might be seen as rendering his judgements partial. This application was dismissed, but Shell did win the first round by successfully securing a postponement of the hearing until the new year because of his jet lag following a tortuous wrangle about a delay he had suffered in New York because South African Airways had refused to issue him the ticket the University had purchased for him.

By the time that the disciplinary hearing reconvened in early February, Shell had received advice that the best way for him to minimise potentially high legal costs he could not afford would be for him to be represented initially by NTESU rather than by his attorney. He was therefore represented by one of the authors of this text, who requested that because of Shell’s high profile as an AIDS researcher and campaigner, it was in the public interest that the inquiry be open to the public, rather than held behind closed doors (as is Rhodes’ normal practice). This was denied, but Shell compensated for what he deemed to be a denial of his rights by thereafter feeding the press with his version of how the proceedings - which were to drag on for four days - were going. The case consequently attracted a blaze of local publicity, - yet Rhodes’ advocate steadfastly maintained that the case had nothing to do with academic freedom, and that Shell had to be judged merely in terms of labour law. It was no surprise when, at the conclusion of the hearing, Schaefer found that Shell’s email to the NRF constituted a legal publication in which he had repeated his unfounded allegations about the University, made unsupported new ones, that he had been guilty of serious misconduct amounting to a breach of his contract, and that the employment relationship between Rhodes University and Shell had broken down. He therefore
recommended that Shell be subject to summary dismissal, a recommendation that the VC implemented without delay.

By now the Shell case had attracted widespread interest. Beyond Rhodes, Shell had gained widespread support among distinguished academics internationally through the astute use of email. Tributes testifying to his eminence and emails of condemnation poured in upon Rhodes, whose reputation as a ‘liberal’ university came under direct attack. Connections was made with Caroline White, and indeed other academics around the world (notably Ted Steele of Wollongong University in Australia) who had been subjected to similar disciplinary dismissal by their institutions. Meanwhile, the Mail & Guardian joined in with a series of articles questioning why Rhodes would want to sack a leading AIDS researcher, and Ken Hughes from the University of Cape Town wrote about Rhodes’ attack on academic freedom. Meanwhile, within the University, support blossomed amongst a core group of sympathisers who - without supporting all or any of Shell’s allegations - insisted that the University was guilty of attempting to suppress internal criticism. The atmosphere became increasingly bitter. Letters for and against Shell appeared in the press. Long lasting friendships foundered. And the University threatened criminal proceedings against Shell to secure the return of his NRF purchased computer.

It was in this fraught atmosphere that Shell received a further letter, pending his appeal, in which the University accused him of having wilfully deceived the Chair of the disciplinary hearing over the New York air ticket in order to secure a postponement of the hearing; claimed that he had knowingly pocketed the refund made to him by UNESCO for a ticket for which the PRU had paid in order to enable him to attend a conference in Paris in July 2000; having made numerous further defamatory statements in the press; and having “induced a number of people on the basis of false and/or misleading representations regarding the reasons for your dismissal to accuse the University inter alia of intolerance, dictatoral action, and of disregarding the principles of academic freedom” (Smith to Shell 13 March 2001). This letter was copied only to Shell’s lawyer and to his Union representative, as well as to a select group of senior members of the University. Yet by now things were seriously ugly. On the afternoon of the letter’s despatch, Shell’s wife (Sandy Rowoldt, the long-serving Librarian of Rhodes’ Cory Library), received a vilificatory anonymous phone call from within the University in which the caller wanted “confirmation of a rumour” that Shell had received a letter accusing him of fraud; and that evening, Shell received a phone call from a reporter from the Eastern Province Herald in which he was quizzed about the contents of the letter, the gist of which appeared in that paper the next day. Subsequent enquiry revealed that at least one reporter had received a faxed copy of the letter (although both Shell and his Union representative were desperate to keep these latest allegations of fraud out of the public domain), but the Vice-Chancellor refused all subsequent requests for a proper enquiry as to how the leak had occurred, and repeated the allegations of fraud in Senate.

Shell was subsequently to lose his appeal, to which - to counter accusations of bias - Rhodes appointed two external lawyers to accompany a member of the Law Department on the disciplinary panel. In the event, he was found guilty as charged and his dismissal was upheld. Yet there were two particular points of interest. First, certain comments made by Professor Schaefer in his rebuttal of Shell’s submission that he recuse himself as Presiding Officer over the first round were found to have predisposed him in the University’s favour, so that the case was held anew (resulting in Shell’s dismissal only becoming effective from the closure of the appeal process). Second, when Shell’s Advocate maintained that Shell’s contract indicated that he had
the right to be tried by his peers (rather than a disciplinary panel as chosen by the University), the University Advocate responded that the contract had been overridden by NTESU’s signing of its recognition agreement with the University.

In its own view, the University Administration had triumphed, and the official line was that its actions had been vindicated. Yet by no means all staff agreed, and at a special meeting of the Faculty of Humanities, majority support was mustered for a motion which deplored Shell’s dismissal as a negation of academic freedom and to call for his reinstatement. This opinion was subsequently endorsed by over fifty signatories of an open letter which was sent to the Mail & Guardian, The Chronicle of Higher Education (in the US), and The Times Higher Education Supplement. The majority of staff at RUEL, where Shell remained unpopular, continued to delight in his downfall, and significantly, the open letter could muster only token support from the Commerce Faculty and the sciences.31 If the issue had done nothing else, it had seriously divided the university. It had also brought more international and national exposure to the University on the cheap than its Marketing and Communications Department could have hoped for in its wildest dreams.

**Comment and Critique:** Shell’s dismissal remains controversial. Certainly, there are many, perhaps the majority, of academics at Rhodes who support the University’s actions in having sacked Shell. Their case, essentially, is that the Midgeley Report and successive disciplinary enquiries found him guilty of having defamed individuals and RUEL, that he had proved an unruly, irresponsible and destructive colleague, and that ultimately, he brought about his own downfall. Equally certainly, many of those who feel that his dismissal represents a breach of academic freedom do not endorse either his particular allegations or his often wayward style, yet feel - at the very least - that his punishment is excessive. Yet in our own view there are far more important issues at stake than simply whether or not Shell’s dismissal was unjust.

Our own view centres around an interpretation which sees the University Administration as having deliberately engaged in intimidation and victimisation to shut down dissent. In order to achieve this, it has had to disguise what is an assault upon academic freedom by resorting to a battery of charges - via a disciplinary process that is highly contested as favouring its own institutional interests32 - which could be sustained by legal argument. (And there can be no doubt that many of Shell’s rashier actions rendered him wide open to such a process). Yet beyond the legal niceties there are a host of major issues which the University has attempted to ignore.

First, whether or not Shell’s report can be said to have been submitted under the auspices of a university committee, the fundamental point is that his critique of governance at RUEL raised distinctly awkward questions with which the Midgley report dealt distinctly inadequately. Apart from significant errors of fact, it was shot through with the fundamental flaw that, despite supposedly grappling with the issue of whether there was nepotism and cronyism at RUEL, it failed to define either of these terms, proposing only that if the proper University procedures had been followed, then all was well. However, what it failed to address was precisely the fact that cronyism and nepotism may well work through elite networks, especially in ‘liberal’ institutions where procedures are carefully constructed and followed to produce predictable outcomes. Indeed, without at all our reflecting adversely upon the personal integrity of the two investigators, it is germane to observe that whilst the choice of a lawyer is understandable, the selection of a Zoologist as his partner is distinctly odd - yet perhaps comprehensible if it is considered that social scientists with appropriate critical tools might have come up with the
‘wrong’ answer. As matters stand, Shell has pressed ahead with his own analysis, and now calculates that fully 40 per cent of White staff (who constitute 89% of the academic and administrative employees) at RUEL are related to each other. Whilst there may be many reasons for this remarkably high figure which are related to the smallness of East London as a community, he is clearly raising an issue of very real concern - which the University has chosen to bury.

Our second major observation is that any serious reading of events suggests that, following his official retraction of the allegations made in his report in October 2000, Shell became the subject of a series of dubious administrative and academic pressures which seemed destined to trap him into stepping out of line. These were then to culminate in the controversial foundation of his prosecution upon the basis of what was intended as a private email to his reporting officer at the NRF. Whilst the University’s case that the email constituted a publication may be legally correct, in this case its interpretation of Shell’s offence was manifestly legalistic.

Third, in its determination to prosecute Shell, the university administration rode roughshod over the autonomy of the History Department, which not only felt that its interests had been betrayed in East London but had made various efforts even before Shell’s disciplining to have him transferred to Grahamstown. Nor, indeed, did the administration entertain subsequent attempts by the History Department and senior academics to seek quiet mediation of a dispute which was to prove remarkably costly to Rhodes’ reputation.

Finally, and of enormously adverse implications for academic freedom, is the University’s resort to ‘catch-all’ charges to prosecute Shell. Indeed, its insistence that ‘the employment relationship had broken down’ and that he had ‘brought the University into disrepute’ were so open-ended that all manner of complaints against him could be brought into the legal process to shore up the case for his dismissal. Yet these are so open-ended that in essence, they constitute the academic equivalent of the notorious Suppression of Communism Act, whose definition of ‘communist’ was so wide that it could be applied to repress opposition opinion arbitrarily.

Yet the question remains: Why was it that, once it became evident that the costs of the prosecution to Rhodes’ reputation were becoming so high, the University declined all efforts at mediation? Our answer is that, as argued by Guy (2000) with regard to the case of Caroline White, the Administration’s commitment to corporate restructuring demanded that the claim to academic freedom could not be allowed to interfere with the University’s subjection of its academic employees to the same employment laws which govern those in industry and commerce.

**Conclusion: Academic Freedom and Corporate Authoritarianism**

South African universities are responding to the challenges of massification, declining funding, globalisation and the need to adapt politically by adopting corporate models of management, which are increasingly eroding former collegial styles of governance. This transformation is not only reshaping and intensifying the work of academics at the ‘chalk face’ (Webster and Mosoetsa 2001), but is requiring them and the institutions they work for to become more accountable to their students, external accreditation bodies, government and donors. As Du Toit has indicated, this revolution has major implications for academic freedom for whilst the liberal formula whereby this has traditionally been expressed can comprehend external threats, it is inadequate to
deal with the dangers posed by the displacement of academic by managerial rule within the University. This analysis has sought to extend Du Toit’s thesis, notably by arguing first, that the liberal formula of academic freedom was in fact most elaborately advanced through a prism of ‘racial liberalism’, and second, that an administrative authoritarianism, which is inherent to the new managerialism, represents a major attack upon academic freedom in that it aspires to subject individual academics to centralised control, and interprets dissent and criticism as insubordination, whilst itself remaining largely unaccountable. Indeed, the particular importance of both the Shell and White cases is that they represent precedents which university administrations will in future be able to employ to inhibit or even suppress academics’ criticisms of their actions.

Corporatisation of the universities lays claim to norms and practices that are universal, yet it inevitably takes on the cultural characteristics of the countries in which it operates. Its application is also highly uneven, reflecting the nature of the institutions by which it is increasingly embraced. In the South African context, where the universities (and we may add, technikons) have historically been associated with separate communities, managerialism has been embraced at a differential pace by the different types of institutions, with - broadly speaking - the HBUs somewhat lagging behind (Webster and Mosoetsa 2001). By implication, too, its embrace has been less traumatic at the Afrikaans-dominated universities, where there was already an inbuilt culture of authoritarianism. It is therefore, not surprising, that the crisis of adjustment has been most acute at the so-called former ‘open’ universities, where the myth and practice of collegial governance were previously at their strongest. It is no surprise, too, that whilst these institutions have formally embraced non-racialism, that the actual practice of managerialism (as evidenced by Rhodes) should have been adapted by, and adapted to, the racial residues of the past.

Two major points remain. First, how should we now conceive of academic freedom? We are certainly uncomfortable with the notion’s elitest overtones, the suggestion that academics should have more protection than other members of society. Yet at the same time, we are more than aware of the dangers of eroding an idea of academic freedom which seeks to protect critics of dictatorship from oppression, not least in Africa (eg. Adar 1999). However, what we do argue is the importance of including, within any development of the idea of academic freedom which seeks to beyond the liberal formula, the demand that just as academics are accountable to their managers, so should the managers be responsible to those they manage in the way, certainly, that they are not at the moment. We note in this context, with approbation, UNESCO’s draft recommendation concerning academic freedom (quoted at the beginning of this article) which specifically includes the proposition that academics should have “freedom to express freely their opinion about the institution or system in which they work” (UNESCO 2001). We would further argue that the defenders of this freedom will have to be on full alert to prevent the particular intrusion of managerialism which seeks to squeeze academic freedom through the use of labour law and not least, the erosion of academics’ security via increased hiring of staff on short-term contracts and the effective abolition of tenure.

Our final comment is that the defence of academic freedom against corporate authoritarianism ultimately lies in academics’ own hands. The formation of effective national unions or associations , matched by active chapters at individual institutions, is clearly one strategy which is vitally necessary - and where South African academia, so long historically divided, so badly falls down. Similarly, there is need for academics to demand that managements
put in place proper mediation procedures which may prevent conflicts escalating unnecessarily, and which would serve as forum for dual accountability, of academics to managers, and vice versa. Yet, in extremis, as both the White and Shell cases demonstrate, defendants have at their hands, in the form of the media and email, highly effectively tools for mobilising international opposition to unreasonable managerial impositions, and for raising the costs to any institution of embarking upon disciplinary actions designed to shut down dissent. As both these cases also demonstrate, international networking may not prevent dismissal, but it can lay the basis for dissentent academics’ moral victory over their institutions. Yet (as both Shell and White can testify, following the shattering of their careers and their loss of income) moral victories are scarcely enough. The task for academics therefore, and especially in South Africa today, is to strengthen their defences against authoritarianism and to render their universities institutions which both foster dissent and which challenge corporatisation by linking academic freedom to public debate concerning alternative and desirable educational and societal futures (Levidow 2001).

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**NOTES**

1. As is made clear by Bill Cobbett’s appeal for a flexible approach towards the boycott of ‘progressive academics’ by the anti-apartheid movement in the 1980s. (Cobbett 1986).

2. The Rhodes Trustees’ Cape Town secretary, in a letter requesting that various military buildings be handed over to the new institution, reminded him that “Rhodes University College is designed to contribute, and will contribute, to extend and strengthen the Imperial Idea in South Africa, where so far the only decent University education to be had is at Stellenbosch, under influences notoriously anti-imperialist” (Currey 1970:12).

3. For instance, the government cut its grant for 1932 to Stellenbosch by 11.6%, to Pretoria by 11.7%, Cape Town by 12.7%, Wits to 17.4% and to the college which bore the name of the imperialist who did so much to undermine the independence of the Boer republics and cause the South African War, by 23% (Currey 1970:72).

4. Sir de Villiers Graaf, the long-time leader of the UP and Leader of the Opposition, was awarded an honorary degree by Rhodes in 1969. Two former UP ministers had been similarly honoured in 1967.

5. This information has been kindly provided by Brian Austen, author of a forthcoming biography of Sir Basil Schonland, to be published by Wits University Press. To be fair,
Schonland - whose daughter was married to Professor Daantjie Oosthuizen, after whom Rhodes’ academic freedom lectures are today named - was in touch with significant dissenting opinion at the university at that time which was expressed in a manner whose subtlety taxed the security police: as Swart proceeded in his car along the road to collect his degree, protestors turned their backs on him as he passed!

6. An incident related to one of the authors by a former high ranking Administrator who at that time was on the academic staff.

7. And if a minority viewpoint at the University would have had it, would later have earned himself an honorary degree from Rhodes for doing so. Fortunately he was denied. However, that resolute opponent of majority rule in Rhodesia, Viscount Malvern, had been awarded a degree in 1957.

8. The Senate representative was willing to welcome the audience, but not to sit with the dignitaries upon the stage. (Interview, Professor Eddie Webster, who was then president of the Rhodes SRC).

9. Biko stayed with the Mpelo family, at 25D Street, in Fingo Village, Grahamstown.

10. But note that the student bodies of HBUs remain almost wholly black, and their situation is being rendered worse, in many ways, by the HWUs ‘creaming off’ the most talented and better educated black students.

11. Readings (1996: 24) cites Cornell University Parking Services as having received an award for ‘excellence in car parking’ (sic)!

12. An obvious instance is that increasingly, funding formulae which favour quantities of research output, in terms of books and articles written etc, over their quality.

13. This also means the more rapid promotion of ‘useful’ academic staff on grounds of their ‘market value’ rather than their academic attainment, and the increasing willingness to award visiting professorships to businessmen. For a discussion of the implications, see Southall (1998).

14. The salary issue is a particularly interesting one. Rhodes senior management delights in ranking the university’s performance in student completion rates, research output and so on, to those of other institutions, yet remains opposed to comparing its salary levels.


16. These statistics are calculated from the 2001 calendar.

17. We are not able to document this paragraph statistically. However, it is based upon widespread conversation with staff, extensive involvement on the part of one author with NITESU members and other members of staff subject to disciplinary action, and not least, personal experience.
18. We are aware that these assertions about both the HBUs and Afrikaans-speaking universities are generalisations, which for our part, come from regular reading of the press and conversations with colleagues at these types of institutions. Our stereotypes are therefore very much a challenge to debate.

19. The pagination of the Midgeley Report we are using is that of the reproduction of the report in Shell, 2001a.

20. Only a fightback by staff prevented the retrenchment of Professor Peter Mtuze, another one of Rhodes’ black South Africans with a PhD.

21. Shortage of space prevents full detail. However, it is important to note at this point that (i) Stuart subsequently disassociated himself from the sub-committee’s report; (ii) whilst the Vice-Chancellor has denied that the sub-committee was ever appointed in the first place (Mail & Guardian, 30 March 2001), the Midgeley Report was to argue that once the sub-committee had verbally reported to the Board of Studies in March 1999, it ceased to exist, and that therefore the Shell Report (Thomas had by now been retrenched) had no official status. Shell contests this interpretation by insisting that the subcommittee was never formally dissolved.

22. For ‘minority’ status, of course, read ‘majority’ status (ie black) at RUEL.

23. Case No: 848/10/1999. Cambridge Police Station, East London. There was no theft. Shell’s wife’s car was to be similarly vandalised two weeks later. Case No: 443/11/1999, also Cambridge Police Station.

24. Rhodes declined Shell’s formal request to supply the relevant fax records, so who sent the faxes remains a mystery. However, Shell’s suspicions were later to be further strengthened by production of a letter from Vice Principal Smout to the National Research Foundation which indicated that he had sent press cuttings and news releases to that body on 18 October 1999, four days after Shell had made his apologies and, in his understanding, started at Rhodes afresh. In his letter to the NRF, Smout anticipated a recurrence of difficulties with Shell during the next twelve months and predicted that “he might well lose his position at Rhodes” (Smout to Singh).

25. Although the Midgley Report claimed that he was “self-taught” in demography, Shell was author of a major treatise on the historical demography of slavery in the Western Cape, and inter alia had attended courses in statistical analysis at Yale and Rochester Universities and the Newberry Library in the late 1970s and early 1980s. In fact, Shell’s AIDS work was more open to criticism that he had no training in Epidemiology. However, such a basic point eluded the Report’s authors.

26. “I wish to point out:..that the University’s intention was to proceed with and complete the disciplinary hearing on 4 December 2000...” (Woods to Shell, 18 December 2000).

27. It is impossible to pursue all the stories within the story of the Shell saga, but the airticket incident was telling. The ticket for Shell which SAA refused to issue to him was made out to
Shell Rchdr, which they seemingly took to mean “Richard Shell”. But Shell argued it was an abbreviation for his name and title, Richard Carl-Heinz Shell (Dr). The University lawyer, in contrast, insisted that Shell was deliberately attempting to mislead the Inquiry in order to gain a postponement, and strongly opposed any delay. After some two or three hours, Chairman Schaefer conceded the postponement. (The VC’s subsequent public statement that “Rhodes agreed to” the delay in the hearing was therefore technically true, but disingenuous)(Woods to Rhodes University, 13 February 2001). Despite Schaefer’s ruling, the University was subsequently to send a letter to Shell after his dismissal, before his appeal, in which it indicated that it would be charging him with misrepresenting the facts around the purchase of the air ticket. It was subsequently to emerge that the University had used NRF funds from the PRU to purchase the ticket, which Shell claims it had no authority to do, as the disciplinary hearing was a Rhodes and not a PRU matter.

28. It is important to note in this context that, as noted in reply to the University by Shell’s NTESU representative, Shell did not deny receiving the refund nor of not having refunded PRU. However, it was also pointed out that he had had no access to PRU funds since June 2000; his secretary in the PRU was under orders not to communicate with him about PRU affairs and that he was therefore unable to process any financial issues with her; and that, in any case, he was owed considerably more in expenses by the PRU than he owed it. (Southall to Smith, 15 March 2001).

29. Given Shell’s allegations about nepotism at Rhodes, it is germane to note that Shell and Rowoldt married after Shell had joined the University in 1995.


31. Although the letter was signed by the Dean of Law and the Deputy Dean of Humanities.

32. The University had been in possession of proposals designed to reform the disciplinary code, originally submitted by RUSA for over years without responding to them. When, at the end of its tortuous process of negotiation for recognition, NTESU agreed to the University’s existent disciplinary code (as an appendix) only on the express understanding that it would be renegotiated within weeks. The University subsequently reneged on that agreement.

33. Robert Shell, (2001b). Shell has used the RUEL telephone directory to enter the demographic and relationship characteristics of the 65 permanent members of staff into a SPSS data set. Relatedness referred largely to nuclear family relationships, with cousinhood being included only in two known instances.